

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 16-18, 20-26, 28-34, 36-42, and 44-46 remain pending in the present application.

By way of summary, the Office Action rejected Claims 6-18, 20-26, 28-34, 36-42, and 44-46 under 35 U.S.C. § 103(a) as obvious over U.S. Patent App. Publ'n No. 2001/0030827 to Morohashi (hereinafter "Morohashi '827") in view of U.S. Patent App. Publ'n No. 2004/0223245 to Morohashi (hereinafter "Morohashi '245").

The Office Action acknowledged Morohashi '827 does not explicitly teach all of the features of independent Claim 16.¹ To remedy that deficiency, the Office Action relied on Morohashi '245.

The present application and Morohashi '245 were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, Sony Corporation.

In view of the foregoing statement of common ownership, Morohashi '245 cannot be applied against the present application as a reference under 35 U.S.C. § 102(e).² Therefore, Morohashi '245 cannot properly be applied under 35 U.S.C. § 103(a). Thus, Applicant respectfully requests withdrawal of the rejection based on Morohashi '245.

¹ Office Action at 3.

² MPEP § 706.02(l)(2); 35 U.S.C. § 103(c).

Consequently, in light of the foregoing comments, no further issues are believed to be outstanding in the present application. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 07/09)

Brian R. Epstein
Registration No. 60,329